



COUNTY OF LOS ANGELES
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MARY C. WICKHAM
Interim County Counsel

July 30, 2015

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Gerardo Rodriguez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC 054 589

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Gerardo Rodriguez v. County of Los Angeles, et al., Los Angeles Superior Court Case No. PC 054 589 in the amount of \$375,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Parks and Recreation's budget.

This lawsuit arises from alleged injuries sustained when an employee of the Department of Parks and Recreation ran over Plaintiff while driving a Department utility truck.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Gerardo Rodriguez v. County of Los Angeles, et al.</u>
CASE NUMBER	PC054589
COURT	Los Angeles Superior Court
DATE FILED	February 14, 2013
COUNTY DEPARTMENT	Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 375,000.00
ATTORNEY FOR PLAINTIFF	Juan J. Dominguez, Esq. Michael Alder, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE	<p>On June 19, 2012, a Department of Parks and Recreation maintenance worker, en route to a work location, accidentally drove a utility truck over the Plaintiff who was lying down in a shaded grass area of Veteran's Memorial Community Regional Park in Sylmar. The worker had veered off a concrete service path to avoid children who were crossing his path and drove the utility truck over Mr. Rodriguez at a speed of approximately five miles-per-hour. Mr. Rodriguez contends that the County's worker was negligent and that he sustained personal injuries as a result of the incident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$375,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 49,960
PAID COSTS, TO DATE	\$ 9,242

Case Name: Gerardo Rodriguez v. COLA



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	06/19/2012
Briefly provide a description of the incident/event:	On June 19, 2012, an employee was driving County vehicle on a grassy terrain when he ran over the right shoulder, arm, and midsection of a patron who was lying on the grass on his stomach.

1. Briefly describe the root cause(s) of the claim/lawsuit:

The investigating officer concluded that the employee was the primary cause of the accident for not noticing the patron.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

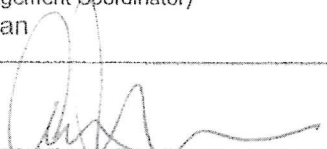
As a result of the accident, the following actions were taken:


- Employee was immediately removed from operating County vehicles until he received driver training and until administrative action was imposed.
- On March 28, 2013, driving "off-road" safety recommendations were made to the field which included:
 1. Do not operate vehicles on grassy terrain or other active use areas unless you have a business reason to do so.
 2. Sound/tap horn every 30 seconds to alert the public of the approaching vehicle.
 3. Establish a "Circle of Safety" before leaving from a parked position.
 4. Backing up shall be avoided whenever possible.
 5. Avoid making right turns whenever possible.
 6. Berms or steep hills should be ascended or descended at obtuse angles.
(these recommendations were later written into a safety directive)

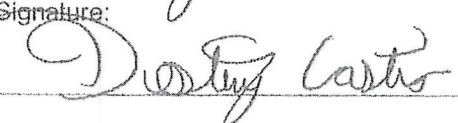
- Employee completed a behind the wheel driver evaluation training
- All employees driving County vehicles completed a mandatory online defensive driving course which for frequent drivers had an adaptive curriculum based on their job responsibilities.

3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
- ☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Anush Gambaryan	
Signature: 	Date: 6/2/2015

Name: (Department Head) RUSS GUINEY	
Signature: 	Date: 6-2-15

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 6/1/2015